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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,709	09/23/2003	Christopher M. Kauth	KCH-10302/22	2207
25006	7590	07/27/2004	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE ANDERSON & CITKOWSKI, PC 280 N OLD WOODARD AVE SUITE 400 BIRMINGHAM, MI 48009			REIS, TRAVIS M	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,709

Applicant(s)

KAUTH, CHRISTOPHER M.

Examiner

Travis M Reis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 12 & 16 are objected to because of the following informalities:

In claim 12, line 1, "19" should be ---deleted---.

In claim 16, line 2, "19" should be ---deleted---.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann (U.S. Patent 4931017) in view of Sahler et al. (U.S. Patent 4610096).

Mann discloses a template book (10) for assisting a user in drawing images and shapes on a surface, said book comprising front (12) and back (14) cover panels formed of rigid cardboard (col. 2 lines 23-26); and a plurality of template pages (16, 18, 20, etc.) hingedly bound (26) to said cover panels (Figure 1).

Mann do not disclose wherein each of said template pages is formed of a plurality of hingedly attached template sheets operative to be folded out from said cover panels to form a drawing template, said template having an area defined by said unfolded template sheets.

Sahler et al. discloses multiple transformable stencil toys (11) in Figures 3, 5 & 7, hereafter focusing upon the embodiment shown in Figures 3 & 4, said toy having hingedly attached (35a,b) sheets (17a,b) operative to be folded out (Figures 3 & 4) in order to form a drawing template, said template having an area defined by said unfolded template sheets

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(Figure 1). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the stencil toys disclosed by Sahler et al. to the binding disclosed by Mann in order to keep a variety of interesting stencils organized in one place.

4. Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann & Sahler et al. as applied to claims 1-6 above, and further in view of Slayton (U.S. Patent 5100324).

Mann & Sahler et al. disclose all of the instant claimed invention as stated above in the rejection of claims 1-6, but do not disclose a storage bin with a top cover including a pocket for disposing a portion of said book; said storage bin including a carrying handle for carrying; said storage bin storing said book and a plurality of markers therein.

Slayton discloses a pre-school stencil kit with a storage bin (22) with a top cover (14) including a pocket, broadly defined as the area between the flanges (64) & (66) (Figure 8), for disposing a portion of a stencil (16) (Figure 7); said storage bin including a carrying handle (52) for carrying said bin, a plurality of stencils (16, 18) (Figure 4), & a plurality of markers (col. 3 line 9). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the storage bin with its pocket, its carrying handle, and its plurality of markers as taught by Slayton to the book disclosed Mann & Sahler et al. in order that the book is protected within; the book is kept near a supply of markers; the book has a readily available workspace (i.e. the pocket); & the book is easily transportable within.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindberg discloses a pocket sketching set (U.S. Patent 2528765). Herck discloses a method for producing designs on building walls (U.S. Patent 2595142). Kennedy discloses

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two-dimensional drawing board manikin (U.S. Patent 4026041). Perkins discloses foldable stencils puzzle (U.S. Patent 4205849). Wilson discloses a foldable template for laying out stairway stringers and methods of using the same (U.S. Patent 4580352). Perry et al. discloses a loose leaf stencil folder for layout design (U.S. Patent 3557463). Sackett discloses a foldable display panel (U.S. Patent 6523288). Bradley discloses a polygrid (U.S. Patent App. Pub. 20030061722). Brown discloses a foldable map book (U.S. Patent 6629800). McGannon discloses a drawing book with stencils (U.S. Patent App. Pub. 20040096807).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
Art Unit 2859



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

tmr
July 23, 2004